

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 22-20104-CR-MARTINEZ

UNITED STATES OF AMERICA

v.

ARCANGEL PRETEL ORTIZ; ANTONIO
INTRIAGO; WALTER VEINTEMILLA;
CHRISTIAN SANON; JAMES SOLAGES;
JOSEPH JOEL JOHN; JOSEPH VINCENT;
GERMAN ALEJANDRO RIVERA
GARCIA; RODOLPHE JAAR; MARIO
ANTONIO PALACIOS PALACIOS; and
FREDERICK JOSEPH BERGMANN, JR.,

Defendants.

**ORDER GRANTING IN PART THE PARTIES' JOINT MOTION FOR
ADJOURNMENT OF TRIAL**

THIS CAUSE came before this Court on Defendants Arcangel Pretel Ortiz; Antonio Intriago; Walter Veintemilla; Christian Sanon; James Solages; Joseph Joel John; Joseph Vincent; German Alejandro Rivera Garcia; Rodolphe Jaar; Mario Antonio Palacios Palacios; and Frederick Joseph Bergmann, Jr., and the Government's Joint Motion for Adjournment of Trial (the "Motion"). (ECF No. 148). This Court has reviewed the Motion, pertinent portions of the record, and applicable law and is otherwise fully advised in the premises.

The Parties jointly request that this Court adjourn the trial setting in this case and set a status conference within sixty days of the date of the Motion because it would "allow the [P]arties to produce and review discovery and to discuss meaningfully the evidence prior to preparing for trial." (*Id.* ¶ 6.) Further, the Parties agree that the time between the current trial setting (Monday, March 27, 2023) and the status conference set by this Court would be

excludable time under the Speedy Trial Act, 18 U.S.C. § 3161(h). (*Id.* ¶ 7.) After careful consideration, this Court finds that the ends of justice will be served by a continuance—rather than an adjournment—of the trial setting as to all Defendants, as set forth herein, and that such an extension outweighs the interest of the public and Defendants in a speedy trial. Accordingly, it is

ORDERED AND ADJUDGED that:

The Motion is **GRANTED IN PART** as set forth herein.

The previous calendar call and trial setting are **CANCELLED**. Trial in this case is **RESET** to begin during the two-week trial period starting on **Monday, May 8, 2023, at 9:30 a.m.**, before Jose E. Martinez, United States District Judge, 400 N. Miami Ave., Courtroom 10-1, Miami, FL 33128. Calendar Call will be held on **Thursday, May 4, 2023, at 1:30 p.m.**, at the same location. Defendants are not required to appear at Calendar Call.

This case is set for an in-person **STATUS CONFERENCE** on **Monday, April 17, 2023, at 11:00 a.m.**, before Jose E. Martinez, United States District Judge, 400 N. Miami Ave., Courtroom 10-1, Miami, FL 33128. Defendants are not required to appear at the Status Conference.

This Court finds that the period of delay from March 27, 2023, to April 17, 2023, is excludable in calculating the period within which trial must commence in accordance with the provisions of the Speedy Trial Act. *See* § 3161(h)(7)(A). This Court further finds that: (1) the period of delay resulting from the granting of this joint continuance, to and including the date of the Status Conference, is excludable time in accordance with the Speedy Trial Act; and (2) the ends of justice are served by granting the continuance and outweigh the best interest of the public and Defendants with regard to a speedy trial under the Speedy Trial Act because the failure to

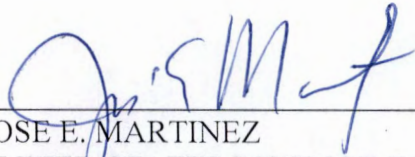
grant the continuance, considering the complexity of and the number of defendants involved in this case, will prevent each Defendant from receiving an effective defense.

The Parties **SHALL** file a Speedy Trial Report **every twenty-one days from the date of this Order** pursuant to Southern District of Florida Local Rule 88.5.

The Parties shall file their joint proposed jury instructions, verdict forms, and *voir dire* questions **no later than one week before Calendar Call**. For all other pretrial deadlines and procedures, the Parties shall refer to this Court's Scheduling Order, (ECF No. 124).

No further continuances will be granted absent exigent circumstances.

DONE AND ORDERED in Chambers at Miami, Florida, this 7 day of March, 2023.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Becerra
All Counsel of Record